

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MOHAMMAD BOZORGI, et al., Individually)	No. 1:24-mc-91041
and on Behalf of All Others Similarly Situated,)	
)	CLASS ACTION
Plaintiff,)	
)	PLAINTIFFS' MEMORANDUM OF LAW
vs.)	IN SUPPORT OF THEIR MOTION TO
)	IMPOUND PURSUANT TO LOCAL
CASSAVA SCIENCES, INC., et al.,)	RULE 7.2
)	
Defendants.)	
)	
)	
)	

Pursuant to Local Rule 7.2 of the Local Rules of the United States District Court for the District of Massachusetts (“Local Rules”), counsel for lead plaintiff Mohammad Bozorgi and additional plaintiffs Ken Calderone and Manohar Rao (collectively, “Plaintiffs”) respectfully submit this memorandum of law in support of Plaintiffs’ Motion to Impound Pursuant to Local Rule 7.2 (“Motion to Impound”).

This litigation is subject to a Confidentiality and Protective Order (ECF 116)¹ (“Protective Order”), which was entered by the Honorable David Alan Ezra on August 14, 2023 in the United States District Court for the Western District of Texas, where this action is pending.

Section 12 of the Protective Order states:

In the event a party wishes to use any Confidential Information or Highly Confidential Information in affidavits, declarations, briefs, memoranda of law, or other papers filed in this litigation, the party shall do one of the following: (1) with the consent of the producing party, file only a redacted copy of the information; (2) where appropriate (*e.g.*, in connection with discovery and evidentiary motions) provide the information solely for in camera review; or (3) file such information under seal with the Court consistent with the sealing requirements of the Court.

ECF 116 at 8. Local Rule 7.2(d) requires a motion for impoundment each time a party seeks to impound a document or group of documents.

In Plaintiffs’ Objections to Report and Recommendation Denying Plaintiffs’ Motion to Compel the Production of Documents (“Objections”), Plaintiffs reference and quote information that was previously sealed by the Court (Doc Nos. 19 and 26) and/or designated as “Confidential” by non-party Quanterix Corp. (“Quanterix”) (Doc Nos. 4 and 16) pursuant to the Protective Order. Plaintiffs believe that this information will assist the Court’s consideration of Plaintiffs’ Objections.

¹ Unless otherwise noted, all ECF references are to *In re Cassava Sciences, Inc.*, 1:21-cv-00751-DAE (W.D. Tex.).

The Protective Order requires Plaintiffs to file their Objections under seal because Quanterix designated them as “Confidential.” Plaintiffs take no position at this time on the appropriateness of Quanterix’s confidentiality designations. In accordance with the Protective Order and to avoid publicly disclosing information that the Court previously sealed and/or that Quanterix designated as “Confidential,” Plaintiffs respectfully request that the Court allow an unredacted copy of the Objections to be impounded pursuant to Local Rule 7.2.

Pursuant to Local Rule 7.2(a), the impoundment order can be lifted on the earliest of agreement of the parties, further order of the Court, or upon return of the materials to the parties at the close of the case. Pursuant to Local Rule 7.2(c), which requires Court approval before submitting confidential materials under seal, Plaintiffs will promptly submit to the Court an unredacted copy of the Objections should the Court grant the Motion to Impound. A redacted copy of the Objections will be filed on the public docket.

DATED: May 22, 2024

Respectfully submitted,

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s/ Kevin A. Lavelle
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on May 22, 2024, I filed the foregoing document electronically, that the foregoing document will be served electronically to registered CM/ECF participants via the NEF, and that I will send paper copies to non-registered participants as indicated on the NEF.

s/ Kevin A. Lavelle

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